

R. DUANE FRIZELL, ESQ.
Nevada Bar No. 9807
CALLISTER & FRIZELL
8275 S. Eastern Ave., Suite 200
Las Vegas, Nevada 89123
Office (702) 657-6000
Fax (702) 657-0065
dfrizell@callisterfrizell.com
Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ZIPLINK, INC., a Delaware	§	
Corporation; ZACHS FAMILY	§	CASE NO: 2:08-cv-01670-LDG-LRL
LIMITED PARTNERSHIP NUMBER	§	
ONE, a Connecticut Partnership; and	§	
HENRY M. ZACHS,	§	
	§	
Plaintiffs,	§	
vs.	§	
	§	
ZIPLINK, INC., a Nevada	§	
Corporation; D.R.	§	
ENTERTAINMENT INVESTMENTS,	§	
INC., a Nevada Corporation; D.R.	§	
ENTERTAINMENT GROUP, LLC, a	§	
Nevada Limited Liability Company;	§	
STANDARD TRANSFER & TRUST	§	
CO. INC., a Nevada Corporation;	§	
DWIGHT CHORNOMUD; JOHN	§	
JARVIS; HOSSEIN MAHDAVI;	§	
ROBERT SUSNAR; DOE	§	
DEFENDANTS 1 through 10; and	§	
ROE CORPORATIONS 1 through 10,	§	
	§	
Defendants.	§	

DEFAULT JUDGMENT

Having reviewed Plaintiffs' Application for Entry of Default Judgment (filed Dec. 16, 2010) [Doc. 78] as well as the other pleadings and papers on file with the Court Clerk in this matter, and having received no response or opposition to Plaintiffs' Application for Entry of Default Judgment, the Court concludes that there is just, good, and sufficient cause for rendering Default Judgment against Defendants ZipLink, Inc. (a Nevada Corporation), D.R. Entertainment

Investments, Inc., Standard Transfer & Trust Co. Inc., Dwight Chornomud, John Jarvis, and Robert Susnar (the "Defaulted Defendants").¹

I. FINDINGS AND CONCLUSIONS

In rendering this Default Judgment, the Court makes the following findings and conclusions:

1. The Court Clerk has properly entered defaults against the Defaulted Defendants in this matter. (Amended Default (filed May 7, 2009) [Doc. 42] (regarding Defendants ZipLink, Inc. and D.R. Entertainment Investments, Inc.); Default (filed Feb. 3, 2010) [Doc. 65] (regarding Defendants Dwight Chornomud, John Jarvis, and Robert Susnar); Default (filed Oct. 14, 2010) [Doc. 77]) (regarding Defendant Standard Transfer & Trust Co. Inc.)).
2. None of the Defaulted Defendants have taken any action whatsoever to set aside, vacate, attack, or otherwise oppose the defaults.
3. Plaintiffs properly filed their application for default judgment against the Defaulted Defendants. (Plaintiffs' Application for Entry of Default Judgment (filed Dec. 16, 2010) [Doc. 78]).
4. None of the Defaulted Defendants have taken any action whatsoever to oppose or otherwise respond to the application for default judgment against them.
5. The time is ripe, and it would be proper for the Court to enter default judgment against the Defaulted Defendants.
6. Plaintiffs' application for default judgment properly and adequately itemizes and documents their damages, attorney fees, and court costs to date.

¹ Defendant D.R. Entertainment Group, LLC has filed a notice of bankruptcy in this matter. (Notice of Bankruptcy Filing (filed Mar. 19, 2009) [Doc. 29]). Accordingly, the Court concludes that this case is stayed as to that entity and that no default judgment may be entered as against that entity. In addition, Defendant Hossein Mahdavi has been dismissed from this case. (Stipulation and Order to Dismiss Defendant Hossein Mahdavi, Only, Without Prejudice (filed Nov. 13, 2009) [Doc. 61]). Thus, this Default Judgment is not entered as to Defendant Hossein Mahdavi.

- 1 7. In relation to the claims that they have stated against the Defaulted Defendants in
2 this matter, Plaintiffs have suffered actual damages in the sum of \$91,654.72.
- 3 8. In prosecuting their claims against the Defaulted Defendants in this matter,
4 Plaintiffs have incurred reasonable and necessary attorney fees in the sum of
5 \$18,987.50.
- 6 9. In prosecuting their claims against the Defaulted Defendants in this matter,
7 Plaintiffs have incurred reasonable and necessary court costs in the sum of
8 \$2,114.14.
- 9 10. Plaintiffs are entitled to recover from the Defaulted Defendants all of the actual
10 damages, attorney fees, and court costs identified above.
- 11 11. Plaintiffs are also entitled to pre-judgment and post-judgment interest against the
12 Defaulted Defendants.
- 13 12. Pursuant to FRCP 54(b), the Court finds and determines that there is no just reason
14 for delay with respect to entering a final judgment against the Defaulted
15 Defendants.

18 **II. JUDGMENT**

19 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

- 20 A. Plaintiffs' Application for Entry of Default Judgment (filed Dec. 16, 2010) [Doc.
21 78] is hereby GRANTED as against the Defaulted Defendants.
- 22 B. Default Judgment is hereby rendered in favor of Plaintiffs ZipLink, Inc. (a
23 Delaware Corporation), Zachs Family Limited Partnership Number One, and
24 Henry M. Zachs (the "Plaintiffs") and against Defendants ZipLink, Inc. (a Nevada
25 Corporation), D.R. Entertainment Investments, Inc., Standard Transfer & Trust
26 Co. Inc., Dwight Chornomud, John Jarvis, and Robert Susnar (the "Defaulted
27 Defendants"), jointly and severally, as follows:
28

1 i. Plaintiffs shall have and recover from the Defaulted Defendants, jointly and
2 severally, actual damages in the sum of \$91,654.72;

3 ii. Plaintiffs shall have and recover from the Defaulted Defendants, jointly and
4 severally, reasonable and necessary attorney fees in the sum of \$18,987.50;

5 iii. Plaintiffs shall have and recover from the Defaulted Defendants, jointly and
6 severally, reasonable and necessary court costs in the sum of \$2,114.14;

7 and

8
9 iv. Plaintiffs shall have and recover from the Defaulted Defendants, jointly and
10 severally, pre-judgment and post-judgment interest, as allowed by law.

11 C. Except as expressly granted, provided for, and stated in this Default Judgment, any
12 and all relief requested by Plaintiffs against the Defaulted Defendants and any and
13 all relief requested by the Defaulted Defendants against Plaintiffs is hereby
14 DENIED.
15

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

D. Pursuant to FRCP 54(b), having determined that there is no just reason for delay, the Court hereby directs that this Default Judgment shall be entered as a final judgment as to all of the Defaulted Defendants and with respect to any and all claims between Plaintiffs and the Defaulted Defendants. In this regard, the Court hereby certifies this Default Judgment as a final judgment.

IT IS SO ORDERED.

Dated: 9 June 2011



UNITED STATES DISTRICT COURT JUDGE

CASE NO: 2:08-cv-01670-LDG-LRL

Submitted by:

CALLISTER & FRIZELL

By:


R. DUANE FRIZELL, ESQ.
Nevada Bar No. 009807
8275 S. Eastern Ave., Suite 200
Las Vegas, Nevada 89123
dfrizell@callisterfrizell.com
Attorneys for Plaintiffs